



2549 North New York Street  
Wichita, KS 67219

RECEIVED

SEP 09 2005

South Central District

September 2, 2005

Ms. Debbie Travis  
Kansas Dept. of Health and Environment  
South Central District Office  
Waste Management Program  
130 S Market, Suite 6050  
Wichita, Kansas 67202-3802

Certified Mail Receipt No.  
7000 0520 0021 6578 8029

RE: Completion of Corrective Action  
RCRA Compliance Inspection August 11, 2005  
US EPA ID No. KSD 007 246 846



Dear Ms. Travis:

Clean Harbors Kansas, LLC facility is responding to the inspection performed by the Kansas Department of Health and Environment (KDHE), performed on August 10 and 11, 2005. For clarity, our responses are organized according to the alleged violations and comments from the Notice of Compliance/Non-Compliance form dated August 11, 2005, which are shown below in bold text.

**1. KAR 28-31-4 (g)(2) Failure to mark or label a 55 gallon storage drum with an accumulation start date.**

The container in question is used to collect rainwater removed from containment sumps in the facility. Although the container is located in a secondary containment area, the container was different than other containers at the facility in that it was located on a pallet with a pump, and hose that are used to transfer rainwater from the sumps to the container. The container was under the control of the operator and securely located in the facility to minimize the chance for being hit or damaged by vehicles. The container is managed in accordance with the requirements of 40 CFR §264 subpart I; the accumulated rainwater is held in a non-leaking container, the container is compatible with the waste, the container remains closed except to add or remove waste, and the container is labeled with the words "Hazardous Waste." The normal practice of the operator, Nate Embry, is to fill the container and then write the accumulation start date on the container as per KAR 28-31-4 (j)(2). At the time of the inspection, the container in question was approximately one third full and following the practices of paragraph (j)(2) did not have an accumulation start date when first noticed on August 10.

In order to address the concerns of KDHE, an accumulation start date was entered onto the appropriate area of the hazardous waste label at the time of the inspection. Since this issue was resolved at the time of the inspection, Clean Harbors requests that this alleged violation be rescinded.

**2. Permit Part I, Section III.E.I [40 CFR 264, Subpart I]; Failure to manage a 5-gallon storage container properly [not labeled hazardous waste, open, not labeled with an accumulation start date and storing hazardous waste over 90 days.]**

The 5-gallon container observed by the inspector is considered a part of the processing equipment associated with the vapor scrubber in Building J. The container was located next to an identical container on a platform approximately 9 feet above the floor. These units are considered overflow catch cans in the event the connected scrubber reservoirs had a "burp". In the event of a "burp", excess water from the scrubber reservoir would flow into the container through a hose running from the reservoir into the container. A second hose attached to the container siphons the excess water back into the reservoir when the internal pressure of the reservoir drops. As configured, these containers are part of the process and the contents do not need to be managed as a hazardous waste until after they have been removed from the overflow containers and determined through knowledge or testing to be hazardous waste. In order to alleviate the concerns of the KDHE, the contents of the container were emptied into an appropriate container and properly managed as hazardous waste. Clean Harbors requests that this alleged violation be rescinded.

**A. Manifest: Initial all changes on the manifest.**

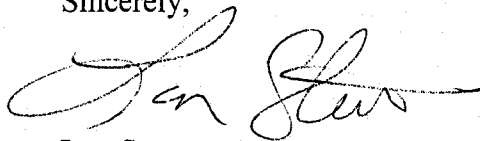
All personnel handling manifests have been instructed that any changes made to manifests must be initialed by the person making the change, at the location of the change, at the time that the change is made.

**B. Laboratory: Clean out materials inside the fume hood.**

The chemicals were removed from the fume hood and lab packed into one 20 gallon container for transportation on August 30, 2005. The materials were manifested (IL 10660055, line 11A) offsite for disposal at the Clean Harbors Chicago facility.

If you need any additional information, please feel free to contact me at 602-462-2315.

Sincerely,



Lon Stewart  
Regulatory Compliance Manager

Enclosure: Copy of Manifest IL0660055



STATE OF ILLINOIS

ENVIRONMENTAL PROTECTION AGENCY DIVISION OF LAND POLLUTION CONTROL

49354

WH1022715 P.O. BOX 19276

SPRINGFIELD, ILLINOIS 62794-9276 (217) 782-6761

PFV 09/25/2005

State Form LPC 82 9/81 IL532-0610

FOR SHIPMENT OF HAZARDOUS AND SPECIAL WASTE

PLEASE TYPE

(Form designed for use on glite (12-pitch) typewriter.)

EPA Form 8700-22 (Rev. 6-89)

Form Approved, OMB No. 2050-0039

<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator's US EPA ID No. <b>K S D 0 0 7 2 4 8 8 4 8 0 0 5 9 4</b>		Manifest Document No. <b>0 0 5 9 4</b>		2. Page 1 of 1		Information in the shaded areas is not required by Federal law, but is required by Illinois law.	
3. Generator's Name and Mailing Address <b>Clean Harbors Kansas LLC 2549 North New York Street Wichita, KS 67219</b>		Location if Different <b>SAME</b>		A. Illinois Manifest Document Number <b>IL10660055</b>		B. Generator's IL ID Number <b>12 0 0 0 1 2 9 9 8</b>		C. Transporter's ID Number	
4. "24 HOUR EMERGENCY AND SPILL ASSISTANCE NUMBERS" (800) 483-3718		5. US EPA ID Number		D. Transporter's Phone <b>(202) 356-7457</b>		E. Transporter's ID Number		F. Transporter's Phone	
5. Transporter 1 Company Name <b>RDW: Robbie D. Worech, Inc.</b>		6. US EPA ID Number <b>ALD067132891</b>		G. Facility's IL ID Number <b>0318000061</b>		H. Facility's Phone <b>773 848-6202</b>			
7. Transporter 2 Company Name		8. US EPA ID Number		I. Facility's Phone					
9. Designated Facility Name and Site Address <b>Clean Harbors Services Inc 11800 South Stony Island Ave Chicago, IL, 60617</b>		10. US EPA ID Number <b>IL D 0 0 0 8 0 8 4 7 1</b>		11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number) <b>WASTE CORROSIVE LIQUID, ACIDIC, INORGANIC, N.O.S., (SULFURIC ACID, HYDROCHLORIC ACID), 8, UN3284, PG II</b>		12. Containers No. Type		13. Total Quantity	
				14. Unit Wt/Vol		15. Waste No.		EPA HW Number	
								0902	
								EPA HW Number	
								EPA HW Number	
								EPA HW Number	
								EPA HW Number	
16. Additional Description for Materials Listed Above: <b>HAZARDOUS (L.I.C.E.)</b>				K. Handling Codes for Wastes Listed Above in Item #14					
15. Special Handling Instructions and Additional Information <b>1a: U67999-D011</b>									
<p><b>16. GENERATOR'S CERTIFICATION:</b> I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.</p> <p>If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.</p>									
Printed/Typed Name <b>Nathaniel Embury</b>		Signature 		Date Month Day Year <b>09 01 05</b>					
17. Transporter 1 Acknowledgement of Receipt of Materials		Printed/Typed Name <b>EARL DOTSON</b>		Signature 		Date Month Day Year <b>09 01 05</b>			
18. Transporter 2 Acknowledgement of Receipt of Materials		Printed/Typed Name		Signature		Date Month Day Year			
19. Discrepancy Indication Space									
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in item 19.		Printed/Typed Name		Signature		Date Month Day Year			

This information may result in a civil penalty against the owner or operator not to exceed \$25,000 per day of violation. Falsification of this information may result in a fine up to \$50,000 per day of violation and imprisonment up to 3 years. This form has been approved by the Forum Management Center.

COPY 1.TSD MAIL TO GENERATOR